

By Senator Geller

31-165A-05

See HB

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A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; expanding a school district's immunity from assumption of contractual debts; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (5) and paragraph (f) of subsection (8) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.--

(5) SPONSOR; DUTIES.--

(b) Sponsor duties.--

1. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

2. The sponsor shall monitor the revenues and expenditures of the charter school.

3. The sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

4. The sponsor's policies shall not apply to a charter school.

1 5. The sponsor shall ensure that the charter is
2 innovative and consistent with the state education goals
3 established by s. 1000.03(5).

4 6. The sponsor shall ensure that the charter school
5 participates in the state's education accountability system.
6 If a charter school falls short of performance measures
7 included in the approved charter, the sponsor shall report
8 such shortcomings to the Department of Education.

9 7. A sponsor shall not be liable for civil damages
10 under state law for personal injury, property damage, or death
11 resulting from an act or omission of an officer, employee,
12 agent, or governing body of a charter school.

13 8. A sponsor shall not be liable for civil damages
14 under state law for any employment actions taken by an
15 officer, employee, agent, or governing body of a charter
16 school.

17 9. A sponsor's duties to monitor a charter school
18 shall not constitute the basis for a private cause of action.

19 10. Nothing contained in this paragraph shall be
20 considered a waiver of sovereign immunity by a district school
21 board.

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23 A community college may work with the school district or
24 school districts in its designated service area to develop
25 charter schools that offer secondary education. These charter
26 schools must include an option for students to receive an
27 associate degree upon high school graduation. District school
28 boards shall cooperate with and assist the community college
29 on the charter application. Community college applications for
30 charter schools are not subject to the time deadlines outlined
31 in subsection (6) and may be approved by the district school

1 board at any time during the year. Community colleges shall
2 not report FTE for any students who receive FTE funding
3 through the Florida Education Finance Program.

4 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

5 (f) If a charter is not renewed or is terminated, the
6 charter school is responsible for all debts of the charter
7 school. The district may not assume the debt from any contract
8 ~~for services~~ made between the governing body of the school and
9 a third party, except for a debt that is previously detailed
10 and agreed upon in writing by both the district and the
11 governing body of the school and that may not reasonably be
12 assumed to have been satisfied by the district.

13 Section 2. This act shall take effect July 1, 2005.

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